

COMMON COUNCIL
COUNCIL CHAMBERS
FEBRUARY 4, 2014

Mayor Kristen Brown called a regular meeting of the City Common Council to order at approximately 6:00 P.M. in the City Council Chambers.

I. Meeting Called to Order

- A. Opening Prayer was given by Jeff Logston, City Attorney and Executive Director of Administration.
- B. Pledge of Allegiance was led by Mayor Brown.
- C. Roll Call was taken. Dascal Bunch, Ryan Brand, Frank Jerome, Frank Miller, Tim Shuffett, and James Lienhoop were present. Kenneth Whipker was absent.
- D. Councilor Brand made a motion to approve the minutes as presented from the City Council meeting on January 21, 2014. Councilor Jerome seconded the motion. Motion passed by a vote of six (6) in favor and none (0) opposed.

Jeff Logston, City Attorney and Executive Director of Administration, requested Council amend the Agenda to allow New Business Item B regarding the electronic business system to be heard after Unfinished Business Item B. Councilor Jerome made a motion to amend the Agenda to hear ordinance regarding pawnbrokers, jewelers, valuable metal dealers during Unfinished Business. Councilor Shuffett seconded the motion. Motion passed unanimously.

II. Unfinished Business Requiring Council Action

- A. Second Reading of an Ordinance entitled "ORDINANCE NO. 1, 2014, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM "RS2" (RESIDENTIAL: SINGLE FAMILY) TO "RTc" (RESIDENTIAL: TWO-FAMILY WITH COMMITMENTS)." (SKAGGS DEVELOPMENT / WOODLAND PARKS REZONING). Jeff Bergman, Planning Director, presented this ordinance by explaining the developer would like to rezone a portion of the subdivision to residential two-family (RT) in order to build zero lot line homes. The homes would share a common wall. The Columbus Plan Commission gave a favorable recommendation to the Council by a unanimous vote. Jeff displayed a map of the subdivision and showed images of the types of homes to be constructed. Jeff stated the names on the streets are similar to some streets in Forrest Park. He checked with emergency services and was told this was not a public safety issue. Discussion followed regarding zoning and future development in the subdivision. There were no comments from the public. Councilor Jerome made a motion to approve the second reading and adopt the ordinance. Councilor Shuffett seconded the motion. Motion passed unanimously.
- B. Second Reading of an Ordinance entitled "ORDINANCE NO. 2, 2014, AN ORDINANCE OF THE COMMON COUNCIL OF THE

CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 10.48 OF THE COLUMBUS CITY CODE, ABANDONED VEHICLES.” Jeff Logston Reading of an Ordinance entitled “ORDINANCE NO.____, 2014, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 10.48 OF THE COLUMBUS CITY CODE, ABANDONED VEHICLES.” Jeff Logston, City Attorney and Executive Director of Administration, presented this ordinance by explaining the city has an existing abandoned vehicle ordinance and amendments to the current ordinance would add enforcement measures for unlicensed vehicles and inoperable vehicles. Jeff stated enforcement violations would be handled by a police officer or the county code enforcement officer. Jeff explained the ordinance includes a warning notifying the person to remove the vehicle within thirty (30) days to correct the issue. If the matter has not been corrected within the thirty (30) days, then a citation is issued allowing the violator ten (10) days to correct. After the ten (10) days, the city has the opportunity to file an ordinance violation with the Court. The individuals to be held accountable would be the owner of the vehicle or the occupant of the premises. Jeff stated Bartholomew County has a similar ordinance, which restricts a vehicle being both unlicensed **and** inoperable. Discussion followed. Mayor Brown opened the meeting for public comment. Susan Fye with the Landlord Association asked that the city pattern the county’s ordinance by restricting vehicles that are unlicensed **and** inoperable. Brad Grayson, Bartholomew County Landlord Association representative, spoke on behalf of those in the community that have limited income. He also mentioned section 10-48-020(a) where exemptions allow demolition derby cars. Greg Simo, home property manager in Columbus, stated approximately 24 of his rentals are in the downtown area and he believes this is going to put a significant impact on his tenants. Robert Brown spoke as a homeowner that is currently affected by abandoned vehicles. Cindy McMillian stated the ordinance is a matter of being a good neighbor and a good citizen. Further discussion followed. Cheryl Knulf stated this issue affects everyone, not just landlords and believes the ordinance will have adequate enforcement measures. Mayor closed the public comment portion of the meeting. Councilor Jerome made a motion to pass the second reading and adopt the ordinance. Councilor Bunch seconded the motion. Motion passed by a vote of five (5) in favor and one (1) opposed. Councilor Miller voted nay.

- C. Second Reading of an Ordinance entitled “ORDINANCE NO. 3, 2014, AN ORDINANCE FIXING SALARIES AND WAGES OF OFFICERS AND EMPLOYEES OF THE CITY OF COLUMBUS, INDIANA FOR CALENDAR YEAR 2014.” Jeff Logston presented proposed changes to the 2014 salary ordinance. He stated a change in the narrative for school crossing guards from \$32.47 per guard per day to \$33.12 per guard per day would include the two percent (2%) cost of living increase. The Director of Business Services position with Parks & Recreation would increase the maximum salary range from \$62,975.00 to a total of \$67,975.00. Additional amendments include changing the Director of Parks & Recreation to \$0 for low range and \$0 for high range; and amending the compensation pay of Marketing Coordinator in the Parks & Recreation Department to a low range of \$79,471.00 and a high range of \$79,471.00. Mayor Brown opened the meeting for public comment. Russell Poling of Columbus does not think it’s the Council’s right to modify the salary range for Mr. Wagner or to hire an attorney. Mr. Wagner should seek redress through the proper procedures which may be a law suit against the city if he chooses. Tipton Dodge believes the Parks & Recreation Board and the hiring of the Director are clearly stated in

Indiana Municipal Codes, the Parks Board actually does the hiring of the Director; therefore, his employer is the Parks Board, not the Mayor. Further stating the judgment made against Mr. Wagner was due to the lease, and Resolution No. 1, 2013 specifically puts responsibility in the Mayor's hand, not Director Wagner. Richard Gold brought data regarding the Parks Department. Parks usage – the number of people served has increased from 125,000 participants in 2008 to 170,467 in 2013, an increase of 36%. Tax payer support for that same period of time declined from \$5,052,000.00 to \$4,133,496.00, a decrease of 18% in taxpayer funding. 2011 – 2013 \$2.75 million has been raised to assist and improve parks. Mr. Gold further stated the \$2.75 million is a direct reflection of public confidence in Mr. Wagner's leadership and the Parks Board; he is encouraging Council to continue to investigate this matter until all the facts are known. Blair Lauer asked how the city will hire a Parks Director with the salary at \$0. Councilor Jerome stated they don't expect to hire a Director until this is settled. John McCormick, a small business owner in Columbus, said he thinks it's frightening what is happening to our community right now. We've had a community that has historically worked together to get things done and now we have a community that aggressively argues. Steve Collins said there is already an attorney on staff and doesn't see the need to hire another attorney. Councilor Jerome explained there are three branches of government, executive branch, legislative branch and the judicial branch. The Council is just asking for an independent opinion. A man from the audience suggested the city hire a property manager to manage leases. Tamara Kiel asked how the City Council decides which employees they are going to rally around for defense and why the need for outside counsel. Councilor Lienhoop explained Mr. Wagner's situation and stated the allegations were presented by the Mayor without an opportunity for review or discussion of the allegations. Councilor Lienhoop respects Jeff Logston's work, but he is a political confidant of the Mayor and serves at the Mayor's pleasure. He does not find it inappropriate to ask for another opinion. Tom Heller of Columbus encouraged the Council to not amend the salary ordinance to benefit one person. Bryce Wagner (no relation to Ben) questioned if there was a concern within the administration or within the Council that Mr. Wagner's reassignment may expose the city to some liability. Jeff Logston stated he has not been a part of any discussions regarding city liability. Councilor Miller stated that is a possibility, further stating Ben did not wish for this demotion and would like to be in his job as Director. Councilor Miller explained if the Council spends a little bit of money to determine an outcome instead of a possible lawsuit, then we would be ahead of the game. Bryce Wagner stated he is a citizen, who happens to practice law in this community; he thanked the Council for pursuing what he thinks is a prudent course of action and potentially paying out a few dollars now than having to pay more down the road. Councilor Shuffett made a motion to pass on the second reading and adopt the ordinance as presented. Councilor Bunch seconded the motion. Motion to adopt the salary ordinance passed by a unanimously vote of six (6) to zero (0).

- D. Public Hearing and Second Reading of an Ordinance entitled "ORDINANCE NO. 4, 2014, AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE BUDGET YEAR 2014." Matt Caldwell, Director of Operations and Finance, and Bryan Burton, Director of City Garage, presented this ordinance. Matt stated the additional appropriation of \$137,000.00 would go towards salt and other aggregates such as stone and asphalt for the year. Discussion followed. There were no comments from the public. Councilor Bunch made a motion to approve the second

reading and adopt the ordinance. The motion was seconded by Councilor Shuffett. Motion passed unanimously.

- E. Second Reading of an Ordinance entitled "ORDINANCE NO. 5, 2014, AN ORDINANCE PROVIDING FOR THE TRANSFER OF FUNDS BETWEEN DEPARTMENTS FOR THE BUDGET YEAR 2014." Matt Caldwell presented this ordinance and explained this is a transfer of funds from the Police Department to the Fire Department for the Public Information Officer position recreated in 2013 in the amount of \$76,413.00. Councilor Shuffett made a motion to pass the second reading and adopt the ordinance. Councilor Brand seconded the motion. Motion passed by a unanimous vote.

III. New Business Requiring Council Action

- A. Public Hearing and First Reading of an Ordinance entitled "ORDINANCE NO.____, 2014, AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE BUDGET YEAR 2014." Matt Caldwell and Deputy Fire Chief Bates presented the ordinance. Matt detailed the bidding process for two (2) apparatuses in which funds were appropriated in 2013 and all the bids were declined. This additional appropriation is for the same amount of \$1,250,000.00 to purchase two fire vehicles. Deputy Chief Bates stated the bid specifications have been modified which will give more vendors an opportunity to bid. There were no comments from the public. Councilor Shuffett made a motion to pass the first reading and place the ordinance in proper channels. Councilor Brand seconded the motion. Motion passed unanimously.
- B. First Reading of an Ordinance entitled "ORDINANCE NO.____, 2014, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO ADOPT CHAPTER 9.32 OF THE COLUMBUS CITY CODE, PAWNBROKERS, JEWELERS, VALUABLE METAL DEALERS AND SECONDHAND DEALERS." Chief Maddix, Captain Rohde, and Sargent Foust presented this ordinance. Chief Maddix stated property crimes are 75% higher in Columbus than the national average. In an effort to reduce property crime, this ordinance with electronic reporting is the next step to assist in addressing this issue. Sargent Foust explained the reporting process and how individual businesses would upload information into the LeadsOnline electronic reporting system. Captain Rohde reported businesses and items that are excluded from the ordinance. Councilor Brand asked what the impact is for other municipalities using electronic reporting. Cpt. Rohde said the information is not known at this time. Chief Maddix explained that without electronic reporting the tracking system is a very manual, labor intensive process in which to share information. Discussion followed. Councilor Shuffett asked how other communities were reducing property crimes. Captain Rohde stated other communities have electronic reporting on a volunteer basis which is helpful. Mayor Brown opened the meeting for public comment. Noel Taylor, private business operator, spoke in opposition to the ordinance for burdening the business owner. Ed Pippin, business owner and firearm instructor, believes the ordinance is an overreach of power. A man from the audience spoke against the ordinance. Further discussion followed regarding the set limit of \$5,000.00 total purchases in a calendar year. Fred Neff, Apex Tool Company, questioned reporting for used tool trade-ins. Josh Machino questioned if LeadsOnline would eliminate officers from going to the pawn shops and looking at records. Cpt. Rohde said the electronic reporting makes the process very efficient. Alan Goltra asked if LeadsOnline is a for-profit company. Cpt. Rohde stated the

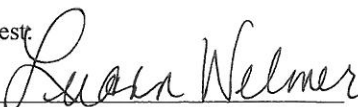
Police Department pays the annual fee of \$4,300.00 per year. Councilor Miller has been opposed to the ordinance since the beginning and made a motion to deny the ordinance. Councilor Jerome seconded the motion. Motion to deny was approved by a vote of six (6) in favor and none opposed.

- C. First Reading of an Ordinance entitled "ORDINANCE NO. _____, 2014, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2.14 OF THE COLUMBUS CITY CODE, ANIMAL CARE SERVICES MANAGER." Police Chief Maddix and Deputy Chief Harry presented this ordinance. Deputy Chief Harry stated the ordinance would move the direct report for Animal Care Services to the Mayor. Currently the department falls under the Police Department. One of the main reasons for the department movement is due to the Police Department's CALEA accreditation process; all volunteers would be required to go through the same rigorous process for background checks. Animal Care Services operates with many volunteers on a daily basis and it's not necessary for their volunteers to go through as stringent background checks as police volunteers. Jeff Logston stated two (2) additional ordinances regarding Animal Care Services will be action items at the next Council meeting. Councilor Miller made a motion to table this ordinance until February 18, 2014. Councilor Lienhoop seconded the motion. Mayor stated Animal Care Services are in the hiring process. There were no comments from the public. Motion to table until February 18, 2014 passed by a vote of five (5) in favor and one (1) opposed. Councilor Jerome voted nay.

IV. Other Business

- A. Standing Committee and Liaison Reports
- B. Discussion Items:
- 1) Marc Nehring with Waste Servant – this item will be heard at the next Council meeting.
- C. Next regular meeting is scheduled for **Tuesday, February 18, 2014 at 6:00 P.M. in City Hall.**
- D. Councilor Bunch made a motion for adjournment. Councilor Shuffett seconded the motion. Motion passed with a unanimous vote. The meeting adjourned at approximately 8:13 P.M.


Presiding Officer

Attest: 
Clerk Treasurer of City of Columbus